



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Ann F. Jennings
Secretary of Historic and Natural Resources

David K. Paylor
Director
804-698-4000

January 14, 2022

Mr. Heath Barefoot
Director, Development
NexEra Energy Resources, LLC
700 Universe Blvd
Juno Beach, FL 33408

RE: Chesapeake Solar Project, LLC

Registration No.: RE00000006

Dear Mr. Barefoot:

The Department of Environmental Quality (DEQ), after consultation with the Department of Historic Resources (DHR), the Department of Wildlife Resources (DWR), and the Department of Conservation and Recreation (DCR), has completed its review of the application for Chesapeake Solar Project, LLC (Chesapeake) for coverage under the Small Renewable Energy Project (Solar) Permit by Rule, 9VAC15 Chapter 60. Based upon this review, DEQ determines that the application satisfies the requirements of 9VAC15-60-30 provided that Chesapeake complies with the following:

- All commitments referenced within the Application Documents submitted November 2, 2021 and the revised mitigation plan submitted December 6, 2021;
- Within 30 days of occurrence, provide notification of actual date on which construction of the solar project commences;
- Within 30 days of occurrence, provide notification of start of operation;
- Submission as soon as practicable of final post-construction site map according to 9VAC15-60-70 A; and

- Removal of all trees in accordance with the requirements of DWR and the United States Fish and Wildlife Service (USFWS) to protect indigenous bat species as set forth in the DWR guidelines and guidance found at:
 - <https://dwr.virginia.gov/environmental-programs/environmental-services-section/>
 - <https://dwr.virginia.gov/wildlife/bats/northern-long-eared-bat-%20application/>
 - <https://dwr.virginia.gov/wildlife/bats/little-brown-bat-tri-colored-bat-winter-habitat-roosts-application/>
 - <https://dwr.virginia.gov/wp-content/uploads/media/2020-2021-Virginia-Hunting-and-Trapping-Regulations-Digest.pdf>

Based upon compliance with the conditions stated above, authority is hereby granted to Chesapeake to construct and operate a photovoltaic project located on the east and west sides of Shillelagh Road (just south of Highway 1) on approximately 940 acres; with a cumulative total generating capacity of 118 MW AC, in accordance with all Application Documents, and this letter of approval.

This authorization for construction and operation shall not relieve Chesapeake of the responsibility to comply with all other applicable local, state and federal statutes and regulations, including but not limited to strict adherence to applicable state and local erosion and sediment control/storm water management laws. This authorization does not relieve Chesapeake of the responsibility to obtain any certification that may be required from the State Corporation Commission.

DEQ strongly encourages Chesapeake to incorporate the DCR Recommended Actions listed below:

- Use of appropriate seed mix/plants and seasonal mowing developed in consultation with DCR;
- Development of a monitoring and control plan for invasive species in consultation with DCR;
- The planting of native pollinator plants in the buffer areas of the planned facility; and
- Minimizing habitat fragmentation by leaving round versus long, skinny natural cover and forest land fragments; retaining connective corridors that allow significant wildlife migration between fragments and designing the intervening landscape to benefit habitat; and natural cover as opposed to turf grass and mowed lawn.

In addition, DEQ strongly encourages Chesapeake to incorporate the DWR Recommended Actions listed below:

- Training of all contractors or workers on site in the identification, basic natural history, and legal status of canebrake rattlesnakes because they may be encountered on site. Should a canebrake rattlesnake be observed at any time during the development or construction of this project, the applicant should contact DWR Terrestrial Biologist/Herpetologist John (JD) Kleopfer (804-829-6580) or our Headquarters office in Henrico (804-367-8999) for capture and relocation to a suitable site;
- Adherence to the project design and operation guidance at: <https://www.dwr.virginia.gov/wp-content/uploads/media/Solar-Energy-Facility-Guidance.pdf> to minimizing the adverse impacts on wildlife and other natural resources; and
- Documenting wildlife travel corridors and observed passage prior to construction activities and coordinating with DWR regarding wildlife fencing that allows ingress and egress to the enclosure and minimizes the potential for the entrapment of white-tailed deer.

DEQ must be notified 30 days prior to any transfer of ownership or operation according to the provisions of 9VAC15-60-100 A.

Please note that if Chesapeake is later found by DEQ not to qualify for coverage under the terms and conditions of the Solar Permit by Rule, then Chesapeake could be subject to action under the enforcement provisions of the Solar Permit By Rule (9VAC15-60-140) for operation without a permit.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of the service of this decision to initiate an appeal of this decision, by filing notice with:

Director
Virginia Department of Environmental Quality
ATTN: Office of Renewable Energy Permitting
Post Office Box 1105
Richmond, Virginia 23218

In the event this decision is served to you by mail, three days will be added to that period. Please refer to Part Two of the Rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specification of the Circuit Court to which the appeal is taken, and additional requirements governing appeals from decisions of administrative agencies.

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If you have any questions concerning this authorization under the Small Renewable Energy Project Permit by Rule, please contact Susan Tripp at 804-664-3470.

Sincerely,

Michael G. Dowd
Director, Air and Renewable Energy Division